

# Exhibit I

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
Page 1

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
Civil Action No. 2:19-cv-04666-JMA-GRB

DUSTIN HICE,

Plaintiff,

- against -

DON LEMON,

Defendant.

January 7, 2021

10:07 a.m.

ZOOM EXAMINATION BEFORE TRIAL of a  
non-party witness, ISABEL PETERS, pursuant to  
Subpoena, held at 50 Station Road, Building 1,  
Water Mill, New York 11976 before Mandy Fein, a  
Notary Public of the State of New York.

Page 2

1

2 A P P E A R A N C E S :

3

4 NESENOFF & MILTENBERG, LLP

5

363 Seventh Avenue, 5th Floor

6

New York, New York 10001

7

Attorney for Plaintiff

8

9

BY: ADRIENNE LEVY, ESQ

10

11

12 ARMSTRONG TEASDALE, LLP

13

919 Third Avenue, 37th Floor

14

New York, New York 10022

15

Attorney for Defendant

16

17

BY: CAROLINE POLISI, ESQ

18

ERIC CREIZMAN, ESQ

19

CHRISTOPHER LYNELL, ESQ

20

21

FARRELL FRITZ, ESQS

22

50 Station Road, Building 1

23

Water Mill, New York 11976

24

Attorneys for Isabel Peters

25

BY: BRIAN DOYLE, ESQ

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
Page 3

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED, by  
and among counsel for the respective parties  
hereto, that the filing, sealing and  
certification of the within deposition shall  
be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED that  
all objections, except as to form of the  
question, shall be reversed to the time of the  
trial;

IT IS FURTHER STIPULATED AND AGREED that  
the within deposition may be signed before any  
Notary Public with the same force and effect  
as if signed and sworn to before the Court.

\* \* \*

Page 28

1 PETERS

2 Q. Before you arrived, had you had any  
3 alcohol that day?

4 A. No.

5 Q. When you arrived at Murf's, did you  
6 have anything to drink?

7 A. No. It was too chaotic.

8 Q. What do you mean by that?

9 A. Both the men, George and Dustin, were  
10 definitely out of control yelling and  
11 screaming and stuff, and the bar was pretty  
12 packed.

13 Q. When you say out of control, could  
14 you describe that a little bit?

15 A. Yelling across the bar to order lemon  
16 drop shots, yelling out fake news, really  
17 excited that there was a celebrity there.

18 Q. Did you mention to George that you  
19 know Don?

20 A. At that time I did, yeah.

21 Q. Do you think, I apologize, have you  
22 mentioned it to him before, is it possible that  
23 George knew before that night?

24 A. It could be a possibility, but I  
25 can't answer that, I don't know.

1

PETERS

2

direction, but, like I said, there were people  
around, so I couldn't see.

4

Q. Were you talking to George at that  
time?

6

A. I am pretty sure I was, yes.

7

Q. So, Dustin left the conversation?

8

A. Uh-huh.

9

Q. To go somewhere else?

10

A. Yeah.

11

Q. And you were talking to George?

12

A. Uh-huh.

13

Q. And then how much time would you say  
went by before Dustin came back?

14

A. Three minutes. It was really short.

15

Q. What did Dustin say when he came  
back?

16

A. He definitely ran over and was like  
oh, my god, you're not gonna believe what just  
happened, and then he said what Don did, and  
George then yelled and was like oh, my god, no  
way, blah, blah, blah, and then that was when  
they kept -- Dustin kept doing it over and  
over again trying to show us what Don did.

17

Q. And was it your understanding he was

1 PETERS

2 showing you and Mr. Gunilis because neither of  
3 you had, in fact, witnessed anything?

4 A. Yes.

5 MS. LEVY: Objection.

6 Q. Did George see what happened between  
7 them?

8 A. No.

9 MR. DOYLE: Objection.

10 Q. When Dustin was telling you about  
11 what happened, did he say that anybody else saw  
12 what happened?

13 A. No.

14 Q. Did he indicate whether or not  
15 Mr. Lemon actually touched him?

16 A. He didn't say that he touched Dustin.

17 Q. Was it your understanding that he  
18 touched him?

19 A. No. Because Dustin explicitly said  
20 Don put his hands in his pants and put his  
21 hands in my face.

22 Q. When you say in my face?

23 A. Like not touching, like in front.

24 Q. Did you understand that to mean that  
25 Don had touched Dustin?

1 PETERS

2 believe that Dustin was assaulted, so he  
3 should get justice.

4 Q. Why do you think that, did Dustin  
5 ever tell you, you mentioned something about  
6 getting paid, why do you think that?

7 A. I think because George mentioned it,  
8 that Dustin told his family and that they were  
9 really sad and emotional about it.

10 Q. What about the money?

11 A. Well, that too.

12 Q. George mentioned that Dustin had --

13 A. That, yeah, he had told George that  
14 he could -- his family basically was like, you  
15 could sue the guy and get a lot of money while  
16 also getting your justice.

17 Q. And then on the next page you say, I  
18 went on a rant to George. Don didn't even  
19 touch him.

20 Why did you say Don didn't even touch  
21 him?

22 A. Because Don didn't touch him. He put  
23 his so-called hands in his face. That's what  
24 I was told.

25 Q. By who?

Page 138

1 PETERS

2 A. By Dustin.

3 Q. Just for the record, did you ever  
4 hear Dustin use the word assault that summer?

5 A. Sexual assault.

6 Q. What's that?

7 A. Sexual assault. He claimed that it  
8 was sexual harassment and assault.

9 Q. And just for the record, when you did  
10 the finger wag with your two fingers up in the  
11 air up and down, is that how Dustin portrayed  
12 it to you?

13 A. Yeah.

14 Q. And when he did it, did he touch  
15 himself, like did he touch his nose or did he  
16 just wave his hands in the air?

17 A. He just waved his hands in the air.

18 Q. And then going down, you say, He  
19 joked about it the entire summer and then  
20 harassed Don at his house with us. They did  
21 more harassing than Don.

22 Can you explain that?

23 A. I think I meant about going to the  
24 house often and posing in front of his yard,  
25 and putting things on his property. I don't